

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

SARAH COLON

IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

AUG 30 2005

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

JUDGMENT INCLUDING SENTENCE  
UNDER THE SENTENCING REFORM ACT

CASE NUMBER: CR-03-1119 (ARR)

CHARLES HOCHBAUM, ESQ

44 COURT STREET, SUITE 307

BROOKLYN, NEW YORK 11201

Defendant's Attorney & Address

THE DEFENDANT:

XXX pleaded guilty to count one of the indictment.

\_\_\_\_\_ was found guilty on counts \_\_\_\_\_

after a plea of not guilty.

Accordingly, the defendant is ADJUDGED guilty of such count(s), which involve the following offenses:

TITLE & SECTION

18 USC 473

NATURE & OFFENSE

DEALING IN COUNTERFEIT

UNITED STATES CURRENCY.

COUNT NUMBER(S)

ONE (1)

The defendant is sentenced as provided in pages 2 through \_\_\_\_\_ of this Judgment.  
The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

\_\_\_\_\_ The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).

\_\_\_\_\_ Remaining counts are dismissed on the motion of the United States.

XXX It is ordered that the defendant shall pay to the United States a special assessment of \$100.00 which shall be due XXX immediately \_\_\_\_\_ as follows:

It is further ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec # 120-58-0441

AUGUST 15, 2005

Date of Imposition of Sentence

Defendant's Date of Birth 7/23/73

Defendant's Mailing Address:

ALLYNE R. ROSS, U.S.D.J.

214 SCHAEFER STREET, APT 1R

AUGUST 15, 2005

Date

BROOKLYN, NEW YORK 11207

Defendant's Residence Address:

A TRUE COPY ATTEST  
Date: \_\_\_\_\_

ROBERT C. HEINEMANN  
CLERK OF COURT

( SAME AS ABOVE )

By: \_\_\_\_\_

DEPUTY CLERK

Defendant: SARAH COLON  
Case Number: CR-03-1119 (ARR)

Judgment - Page        of

### PROBATION

The defendant is hereby placed on probation for a term of five (5) years.

While on probation, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this Judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

- 1) DEFT SHALL PARTICIPATE IN SUBSTANCE ABUSE TREATMENT WITH A TREATMENT PROVIDER SELECTED BY THE PROBATION DEPARTMENT. TREATMENT MAY INCLUDE OUTPATIENT OR RESIDENTIAL TREATMENT AS DETERMINED BY THE PROBATION DEPARTMENT. DEFT SHALL ABSTAIN FROM ALL ILLEGAL SUBSTANCES AND/OR ALCOHOL. DEFT SHALL CONTRIBUTE TO THE COST OF SERVICES RENDERED VIA CO-PAYMENT OR FULL PAYMENT IN AN AMOUNT TO BE DETERMINED BY THE PROBATION DEPARTMENT, BASED UPON THE DEFT'S ABILITY TO PAY AND/OR THE AVAILABILITY OF THIRD PARTY PAYMENT.
- 2) DEFT SHALL PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM APPROVED BY THE PROBATION DEPARTMENT. DEFT SHALL CONTRIBUTE TO THE COST OF SERVICES RENDERED OR ANY PSYCHOTROPIC MEDICATIONS PRESCRIBED VIA CO-PAYMENT OR FULL PAYMENT IN AN AMOUNT TO BE DETERMINED BY THE PROBATION DEPARTMENT, BASED UPON THE DEFT'S ABILITY TO PAY AND/OR THE AVAILABILITY OF THIRD PARTY PAYMENT
- 3) DEFT SHALL NOT POSSESS ANY FIREARMS.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

Defendant: SARAH COLON  
Case Number: CR-03-1119 (ARR)

Judgment - Page      of

FINE WITH SPECIAL ASSESSMENT

The defendant shall pay to the United States the sum of \$ 100.00, consisting of a fine of \$ N/A and a special assessment of \$ 100.00.

\_\_\_ These amounts are the totals of the fines and assessments imposed on individual counts, as follows:

This sum shall be paid \_\_\_ immediately  
\_\_\_ as follows:

XXX The Court has determined that the defendant does not have the ability to pay any fines, cost of confinement or supervision.

\_\_\_ The interest requirement is waived.  
\_\_\_ The interest requirement is modified as follows:

## Findings

2

1 THE COURT: Well, let me start by saying that  
2 for the reasons expressed at the close of the prior  
3 hearing on January 12th of 2005, I do find that the  
4 defendant's guidelines calculation is a level 13,  
5 Category 1 carrying of a range of imprisonment of 12 to  
6 18 months.

7 Let me start by saying that I have considered  
8 the guidelines calculation in this case. Turning to the  
9 other statutory factors, I do find it relevant to history  
10 and characteristics of the defendant the fact the  
11 defendant has sole custody of two school-age children,  
12 ages 14 and six and if she is incarcerated there is no  
13 apparent caretaker for the children, as a result of which,  
14 the children would likely end up in the foster care system.  
15 Although the defendant's sister-in-law Wilda Perez cared  
16 for the children for, approximately, one and a half years  
17 ending in September of 2003, Ms. Perez has submitted an  
18 affidavit indicating the reasons for her inability and  
19 unwillingness to do so at this time and I have no reason  
20 to doubt the veracity of her statements. Nor is there any  
21 other evident caretaker especially given that the  
22 children's father has already been found unfit to assume  
23 custody.

24 Since there is no other evident caretaker, it  
25 would be an extreme hardship on the children were they to

## Findings

3

1 be placed in the foster care system. Even under a  
2 guidelines analysis, I believe that this would warrant a  
3 departure for extraordinary family circumstances, but in  
4 any event, it is of substantial significance in assessing  
5 the pertinent statutory factors.

6 As to the personal characteristics of the  
7 defendant, I also note that she has had serious mental  
8 health problems in the past that have manifested  
9 themselves in four suicide attempts and that she was  
10 sexually abused at the age of 12 by her mother's  
11 boyfriend.

12 Given these circumstances, coupled with the  
13 nature and circumstances of the defendant's offense which  
14 was the photocopying of \$6,000 of counterfeit currency and  
15 its sale to an undercover agent, I find that a very  
16 lengthy probationary sentence would suffice in this case  
17 to reflect the seriousness of the offense and provide just  
18 punishment.

19 I believe it would also afford adequate  
20 deterrence and protection of the public as I am confident  
21 that defendant's remorse for her conduct is genuine and  
22 that she will not again stray into illegal conduct.

23 Indeed I'm sure she knows what it means should  
24 she ever do so: You will be back in front of me and there  
25 will be no more stretching to help you.

## Findings

4

1 I also find that a lengthy probationary  
2 sentence coupled with rigorous special conditions will  
3 assure appropriate correctional treatment of the defendant  
4 in the most effective manner and will be consistent with  
5 the goals of avoiding unwarranted sentencing disparities.

6 I therefore sentence the defendant to a period  
7 of five years probation with a number of special  
8 conditions. I'm going to require that she participate in  
9 any substance abuse treatment recommended by the probation  
10 department. It may include outpatient or residential  
11 treatment and that she abstain from all illegal substances  
12 and/or alcohol.

13 I'm also going to require that she participate  
14 in my mental health treatment program with a provider  
15 selected by the probation department. The defendant shall  
16 contribute to the cost of any of these services rendered  
17 or any medications prescribed by copayment or full payment  
18 in an amount to be determined by the probation department  
19 based on her ability to pay and/or the availability of  
20 third-party payment.

21 I also prohibit the possession of a firearm. I  
22 make the finding that she is unable to pay a fine, but I  
23 will impose the mandatory \$100 special assessment.

24  
25

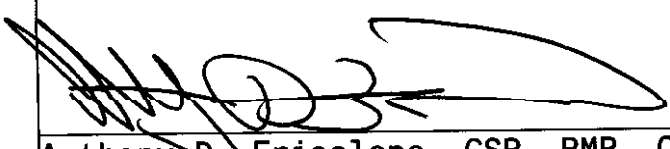
## Findings

5

\* \* \*

### CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript of  
the record of proceedings in the above-entitled matter.



Anthony D. Frisolone, CSR, RMR, CRR, CRI  
Official Court Reporter

Anthony D. Frisolone, CSR, RMR, CRR, CRI  
Official U.S. District Court Reporter